

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

MARKO BOSKIC

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) Case No. 04-CR-10298-DPW
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DEFENDANT'S MOTION TO DISMISS COUNT FIVE

Defendant Marko Boskic moves to dismiss Count Five of the Indictment. In support he says that the conduct of the government which resulted in the statements which form the basis of the allegations of Count Five was fundamentally unfair, in violation of the Due Process Clause of the Fifth Amendment.

Respectfully submitted,

/s/ Max D. Stern
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Dated: February 21, 2006.

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on 2/21/06.

/s/ Max D. Stern